

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BILLY J. STEINWACHS

COMPLAINANT

vs.

HENDERSON-UNION RECC

DEFENDANT

CASE NO. 91-340

O R D E R

Billy J. Steinwachs brings a complaint against Henderson-Union Rural Electric Cooperative Corporation ("Henderson-Union RECC") for improper billing. Having reviewed this complaint, the Commission finds that this complaint fails to state a prima facie case, is beyond the scope of KRS 278.260, and should be dismissed.

The complaint alleges the following: Billy J. Steinwachs owns certain oil leases in Henderson County, Kentucky; Henderson-Union RECC provides electric service to these leases; on April 25, 1991, Henderson-Union RECC replaced the electric meter at that location; and it subsequently tested this meter and found the meter was registering 7 percent slow. In accordance with

Commission Regulation 807 KAR 5:006, Section 9(3),¹
Henderson-Union RECC backbilled Mr. Steinwachs \$619.79 for
unbilled electricity received for the 12 months prior to the meter
switchout.

The complaint fails to state a prima facie case against
Henderson-Union RECC. It admits that its meter was registering
slow. It does not, however, allege that the utility acted
improperly or incorrectly calculated the amount of unbilled
electricity received, nor does it allege any act on
Henderson-Union RECC's part which was "unreasonable, unsafe,
insufficient or unjustly discriminatory." See KRS 278.260(1). In
fact, the complaint suggests that Henderson-Union RECC properly
complied with Commission Regulation 807 KAR 5:006, Section 9(3),
in performing the backbilling.

The Commission finds that the Complaint is outside the scope
of KRS 278.260(1) which requires the Commission to hear complaints
which concern, inter alia, the regulations of a utility. It does
not include complaints against Commission regulations. Mr.
Steinwachs' complaint, however, is aimed at Commission Regulation
807 KAR 5:006, Section 9(3). Part of the requested relief is the
deletion of certain provisions of that regulation. Such relief is

¹ If the result of tests on a customer's meter shows an average
error greater than two percent (2%) slow, then the customer's
bill, for the period during which the meter error is known to
have existed, may be recomputed and the account adjusted on
the basis of the test. In the event the period during which
the meter error existed is unknown, then the customer's bill
may be recomputed for one-half (1/2) of the elapsed time
since the last previous test but in no case to exceed twelve
(12) months.

beyond the scope of the complaint procedure set forth in KRS 278.260(1).

After review of the Complaint and being otherwise sufficiently advised, the Commission finds that:

1. The complaint fails to state a prima facie case against Henderson-Union RECC.

2. The complaint is beyond the scope of KRS 278.260(1).


3. A hearing on the complaint is not necessary, in the public interest, or for the protection of substantial rights.


4. The complaint should be dismissed.

IT IS THEREFORE ORDERED that the Complaint is dismissed with prejudice.

Done at Frankfort, Kentucky, this 7th day of November, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director